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July 19, 2023

Via PACER

Honorable Michael B. Kaplan
Chief, U.S. Bankruptcy Judge
United States Bankruptcy Court
Clarkson S. Fisher US Courthouse
402 East State Street
Trenton, NJ 08608

Re: LTL Management LLC
Case No. 23-12825 (MBK)
Our File No.: 24987.002

Dear Judge Kaplan:

We write to the Court to bring to Your Honor's attention a serious violation by the Debtor of the letter and spirit of long settled Bankruptcy Law.

Yesterday, the Debtor issued a demand for a "Certified Plan Solicitation Directive and Client List" (the "Solicitation Directive") to, as we understand, a multitude of plaintiff firms involved in the multi-district litigation. Notwithstanding that the parties are awaiting Your Honor's decision on the Committee's motion to dismiss, and notwithstanding that Your Honor has not had an opportunity to hear the Debtor's pending motion to authorize solicitation procedures (the "Solicitation Procedures Motion") [Doc 1011], currently scheduled for August 22nd, the Debtor has preempted Your Honor's ruling on the Solicitation Procedures Motion (as well as the Committee's opportunity to object to the relief sought, due August 8th) and issued its Solicitation Directive demanding the disclosure of information on claimants who are eligible to vote on the Debtor's Plan.

The Committee has demanded the Debtor withdraw the Solicitation Directive. **Exhibit "A."** The Solicitation Directive is a clear and improper attempt to implement prematurely the relief



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sought in the Solicitation Procedures Motion.¹ The Committee also notes that the materials included with the improper Solicitation Directive encourage recipients to review a draft of the Disclosure Statement which has not been approved by the Court. In addition to demanding the Debtor withdraw the Solicitation Directive and issue an explanation from the Committee for the withdrawal, the Committee demanded the Debtor immediately disclose: (i) the full list of recipients of the unauthorized Solicitation Directive (including any law firms or individual claimants); and (ii) other actions (extrajudicial or otherwise) taken by the Debtor, its professionals, agents, or affiliates (including professionals or agents of the affiliates) to disseminate (or make available to the public) the Solicitation Directive, Plan, Disclosure Statement or related materials.

We hope the Debtor will act promptly and appropriately to withdraw what are, at best, improper efforts to implement an unauthorized procedure and, at worst, a thinly veiled attempt to solicit votes or advantage for their plan. In an effort to remedy these violations swiftly, the Committee requests Your Honor conduct a chambers conference to address these concerning events. We thank the Court for its consideration of this matter and await Your Honor's guidance.

Respectfully yours,


GENOVA BURNS LLC
DANIEL M. STOLZ

DMS:dwc

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¹ See, among other relief sought, paragraph 20 of the proposed order submitted with the Solicitation Procedures Motion which requests Your Honor's approval not just of the procedure the Debtor unilaterally has decided to pursue, but of the form of the Solicitation Directive notice it has now already sent. [Doc 1011-18]